

PART XII.

RULES UNDER THE INDIAN OPIUM ACT, I OF 1878.

In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878, and in supersession of all previous rules under the same sections, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules for regulating the traffic in opium in the Bombay Presidency (namely).

Preliminary.

Short title.

1. These rules may be cited (Notn. No. 4472, B. G. G., 1885, pp. 704 to 715.) as the Bombay Opium Rules.

2. In these rules, unless there be something repugnant in the subject or context,—

- (1) “opium” has the meaning defined in the Act;
- (2) “Commissioner” means the Commissioner of Customs, Salt, Opium and A’bkári.
- (3) “Collector” means any revenue officer in independent charge of a district, and, within the limits of the town of Bombay, the Collector of Customs: it also includes any Assistant Collector, Deputy Collector, or Assistant Collector of Customs duly authorized by such Collector to perform all or any of the duties imposed on a Collector by these rules;
- (4) “farmer” means a person who has obtained from the Collector a farm under Rule 43;
- (5) “licensed vendor” means a person who has obtained a license for retail vend under Rule 39 or 45;
- (6) “presidency of Bombay” includes Sind;
- (7) “town of Bombay” means the area comprised in the limits of the jurisdiction of the Presidency Magistrate;
- (8) “warehouse” means the Bombay Opium Warehouse appointed by the Governor in Council in Government Notification No. 2205, dated 16th March 1885, (published in the *Bombay Government Gazette* for 19th idem, page 341,) under section 7, clause (c), of the Act, for the storage and deposit of opium legally imported into and intended for exportation by sea from the presidency of Bombay.

Cultivation and Manufacture.

3. The cultivation of the poppy and, except as provided in Rules 22, 39, 43 and 44, the manufacture of opium for sale or export are prohibited within the presidency of Bombay.

Possession.

4. Except as provided in Rules 5 and 6, or by a special order of the Commissioner under Rule 11,—

- (i) no person shall have in his possession any opium other than—

- (a) opium purchased from Government, or from a farmer or licensed vendor, or under Rule 36, or
- (b) a preparation or admixture made for his own domestic use from opium so purchased;
- (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than five sers of poppy-heads or ten tolás of any description of opium not being poppy-heads.
- 5. Rule 4 does not apply to—
 - (i) opium in transit covered by a permit under Rule 7;
 - (ii) opium lawfully imported—
 - (a) during transit to its destination;
 - (b) when warehoused under the provisions of Rule 21;
 - (iii) opium imported into Ahmedabad under Rule 13 A and possessed, subject to such conditions as the Commissioner may prescribe, by an authorized agent of His Highness the Mahāraval of Dungarpur pending disposal.
- (6) The Collector may grant :
 - (a) to any medical practitioner residing within his district, a license in the form marked A, hereto annexed, for the possession of opium for medical purposes only;
 - (b) to any person, a special permit authorizing him, for a specified period, to have in his possession for private consumption only a specified quantity of opium in excess of ten tolás.

Transport.

7. The transport from one place to another within the presidency of Bombay of any quantity of opium exceeding ten tolás in weight is prohibited, except under cover of a permit in Form B., hereto annexed, or in such other form as the Commissioner from time to time prescribes, granted—

- (a) in the case of opium to be transported from one place to another within the town of Bombay, or from any place within to any place without the town of Bombay, by the Collector;
- (b) in the case of opium to be transported from any place in the presidency outside the town of Bombay to the town of Bombay, or to any other place in the presidency, by the Collector of the place from which it is to be despatched :

Provided that—

- (1) in the case of opium imported into the town of Bombay, the permit to cover transport from the railway-station to the warehouse may be endorsed on the pass referred to in Rule 16;
- (2) in the case of opium to be exported by sea, the permit to cover transport from the warehouse to the place of shipment may be endorsed on the shipping bill;

(3) in the case of opium removed from a Government depôt to a retail shop, a permit in the Form C., hereto annexed, or in such other form as the Commissioner from time to time prescribes, may be granted by the officer in charge of such depôt.

8. Except in the case of transport from one place to another within the town of Bombay or within any district, no such permit shall be granted unless the person applying for it can produce a written permission so to apply, signed—

(a) if transport to a place within the town of Bombay be applied for,—by the Collector of Customs ;

(b) if transport to any district be applied for,—by the Collector of such district.

A copy of the permit granted shall be sent—

in case (a), to the Collector of Customs ;

in case (b), to the Collector of the district to which the opium is to be transported.

9. No package containing opium shall be opened during transport.

10. The permit and the packages shall, on arrival, be presented for examination to the Collector.

If, after examination, the Collector concludes that the packages have not been opened or tampered with in transit, if their number is complete, and if they be found to be of the full weight specified in the pass (less such allowance for dryage, if any, as the Local Government from time to time prescribes), the packages may be dealt with by the owner as the law or these rules allow, the permit being retained by the examining officer. Otherwise the packages shall be detained and dealt with as the law or the orders of any duly authorised authority may direct.

Import.

11. No opium shall be imported into the presidency of Bombay by sea except in whole or half chests for re-exportation as provided by Rule 29 :

Provided, however, that at the port of Bombay only, opium may be imported otherwise than in whole or half chests for re-exportation, subject in all cases to payment of the full duty imposed by the Sea Customs Tariff for the time being in force and to any special orders passed by the Commissioner as to subsequent possession and disposal of the opium imported.

12. No opium shall be imported into the presidency of Bombay by land, unless it be :

(a) booked through by railway for re-exportation to other parts of British India, or to native states ;

(b) for exportation by sea from the port of Bombay ;

(c) for retail sale by licensed vendors, in any district in which the direct importation of

opium for such sale is sanctioned by the Local Government, and subject to any conditions which the Local Government may from time to time prescribe: *

Provided that any opium imported for either of the purposes mentioned in clause (b) and clause (c) may after it reaches its destination in the presidency of Bombay, and with the permission in writing of the Collector, be dealt with in any other way permitted by the law for the time being in force. But, subject to any conditions which the Local Government may prescribe in this behalf, permission shall not be granted by the Collector until the difference between the duty on the opium in question, calculated at the rates in force at the date of the application, on opium intended for exportation and on opium intended for retail sale, respectively, shall have been recovered or refunded, as the case may be.

13. No opium shall be imported into the presidency of Bombay by land except by one of the following routes, that is to say—

(a) from any place on the frontier of the Kadi division in the territory of His Highness the Gáikwár, which the Local Government may from time to time appoint, direct to the town of Ahmedabad;

(b) by railway, from Khándwa, or *via* Pálanpur and Ahmedabad.

(G. N. No.
229, B. G. G.,
1886, Pt. I.,
p. 32.)

13A. Notwithstanding anything contained in Rule 13, Opium, the property of His Highness the Mahárával of Dungarpur may be imported into Ahmedabad, under an escort furnished by His Highness the Mahárával, by the following route, *viz.*, from Kherwáda, by Vichwáda, Samera, Samlaji, Tintoí, Bákrol, Lembhoi, Dhákrol, Modhuka, Hársol, Ujdia, Dehgam, Národa to Ahmedabad, and subject to examination as to number, weight and tampering in transit, at any of the above places which the Local Government may appoint in this behalf.

14. Opium booked through for re-exportation to other parts of British India or Native States shall be detained and examined as to number, weight and tampering in transit at any railway-station in the presidency which the Local Government may appoint in this behalf.

15. Opium imported by land for exportation by sea shall be brought direct to the town of Bombay, and there deposited, in the manner provided in Rule 21, until such time as it may be disposed of.

16. No opium shall be imported by land except after payment of the duty, if any,† imposed by the Governor General in Council under section 6 of the Act, and under a pass in Form D., hereto annexed, or in such other form as the Commissioner from time

* *Vide* Appendix A.

† *Vide* Appendix D.

to time prescribes, granted by the Government Opium Agent at Indore, Chitor, Ujjein, Rutlam, Dhár, Ajmir, Ahmedabad, Mundisar, or Bhopál, or by some other officer duly authorized in that behalf by the Governor General in Council or the Local Government, respectively.

164.—Notwithstanding anything contained in Rule 16, opium imported from the Kadi Division of His Highness the Gaikwár's territory under clause (a), Rule 13, and opium imported under Rule 13A from the territories of His Highness the Maharával of Dongarpur, shall be allowed to be brought to the scales at Ahmedabad on provisional passes to be granted by the Opium Agent, Ahmedabad, in such form as may be prescribed by the Commissioner from time to time without previous payment of duty. But no such opium shall be allowed to be passed from the scales except on payment of duty, if any, and under a pass as provided in Rule 16. (Notn. No. 6914, B. G. O., 1889, Pt. I., p. 804.)

17. The duty on opium intended for exportation by sea shall be payable as follows:—

at the Ahmedabad Opium Agency, in cash or by hundi payable at sight at the Bank of Bombay ;
at the Ajmir Agency, in cash or by hundi drawn on some trustworthy firm in Bombay, and payable at sight ;

at all agencies subordinate to the Opium Agent, Indore, by hundis drawn on some trustworthy firm in Bombay and payable at six days' sight.

18. Intimation of the passes granted and hundis received daily shall be sent by the officer granting and receiving the same direct to the Collector of Customs and to the Bank of Bombay (in the case of hundis thereon) ; and, when the opium concerned is intended for retail sale by licensed vendors, or for immediate re-exportation from the Presidency of Bombay to another part of British India or to a Native State, to the Collector or Political Officer of the locality to which the opium is to be sent. The passes shall be delivered to the importers to cover their consignments.

19. Save as permitted in Rules 11 and 20, no opium shall be imported into the Presidency of Bombay—

(a) except in whole chests containing 140 lbs. of opium, or half-chests containing 70 lbs., *plus* such allowance, if any, for dryage as the Local Government may from time to time prescribe ;

(b) unless each such chest or half-chest be marked with the consecutive number of the pass, the total number of chests forming the consignment and the distinctive brand of the office from which the pass was issued.

20. Notwithstanding anything contained in Rule 19, opium booked through by railway for re-exportation to the Presidency of Madras may be imported in strong wicker baskets subject to the following conditions:—

- (a) each basket shall be stoutly and securely sewn over with leather, and shall contain 10 lbs. of opium ;
- (b) seven of such baskets shall be packed in a strong gunny or cloth bag, which shall be securely sewn ;
- (c) each bag shall have a label sewn on it, showing the number of its covering pass and its weight at the scales, and a distinguishing number or mark.

21. Opium imported into the Presidency for exportation by sea shall be conveyed to Bombay and shall, on arrival, be presented to the Collector, together with the pass covering the same. The consignment shall be verified in the manner specified in Rule 10, and conveyed direct to and deposited in the warehouse :

Provided that any such opium may be detained by the Collector at the risk of the consignee, until payment of the duty, when it is paid by hundi, has been certified by the Bank of Bombay, or until any other condition prescribed by this rule has been fulfilled.

22. Opium imported into the town of Bombay may, for export purposes, be manufactured into chandul, but such chandul shall continue liable to all the restrictions on transport which under these rules apply to opium. The manufacture shall be conducted under licenses to be issued by the Collector on such conditions as the Commissioner may from time to time prescribe.

Export.

23. Opium imported under Rule 12 for exportation by sea may be so exported from the port of Bombay only.

24. Opium so exported by sea shall be packed in whole or half chests containing the weights specified in Rule 19.

25. When opium is to be removed for exportation by sea, the exporter shall enter in the shipping bill, under which the opium is to be exported, the marks and numbers of packages and the number of packages of each mark to be removed from the warehouse. The shipping bill so prepared shall be checked with the warehouse register and removals noted therein.

26. Opium converted into chandul under Rule 22 may be exported under the same conditions as are provided in Rules 23 to 25 for ordinary opium, at the rate of 140 lbs. of chandul to 70 lbs. of opium.

27. When any person desires to export opium from the Presidency of Bombay into any foreign State, or into any other part of British India, he shall obtain a pass for each consignment, in such form as the Commissioner may from time to time prescribe, from the Collector of the district from which such opium is to be exported, or, in the case of export from the town of Bombay, from the Collector of Customs.

The pass shall specify—

- (1) the name of the person in charge of the consignment,
- (2) the name of the consignee,
- (3) the number of packages and the weight and contents of each, and
- (4) the destination of the consignment.

But no such pass shall be granted unless the person applying for it produces a written permission so to apply, signed by the Collector of the district, or the Political Officer accredited to the foreign State into which such opium is to be imported.

28. The Collector may thereupon grant a pass for the export of such opium.

Each package shall be sealed in the presence of the officer granting the pass and with his official seal.

Transshipment and Re-export.

29. Notwithstanding anything hereinbefore contained to the contrary, opium not the produce of India may be imported by sea into the port of Bombay or Karáchi, and opium, whether the produce of India or not, may be imported by sea into the port of Aden: provided in each case that the opium so imported be manifested for transshipment or for re-exportation in the same bottom.

Opium so imported may be re-exported by sea from the said ports.

All such opium imported into and re-exported from the said ports in the same bottom shall be liable to a duty at the following rates on each chest not exceeding 140½ lbs. avoirdupois net weight:—

when the consignment* does not exceed 150 chests, at Rs. 5 per chest.

from 151 to 300 chests, at Rs. 4 per chest.

from 301 to 600 chests, at „ 3 „

601 chests and upwards, at „ 2 „

Provided that opium on which a transshipment or re-export fee has been levied at one of the said ports shall be exempt from the payment of a re-export fee at any other of the said ports.

30. Small parcels of opium imported under Rule 11, on which full customs-duty has been paid, may be exported by sea or land under the special orders of the Commissioner.

General Rules as to Opium transported, imported and exported.

31. No railway company shall receive or convey opium not covered and accompanied by a permit or pass of an officer competent under these rules to grant the same; or shall convey opium otherwise than direct, and in the custody of its own officers, to the station at which, according to the route prescribed in such permit or pass, it should leave the railway.

* The term "Consignment" obviously means the quantity consigned by one person or firm to another person or firm (G. R. No. 8415 of 15th November 1883, R. D.).

32. The bulk of a consignment of opium in transport or in transit in the course of importation or exportation shall not be broken; and any revenue officer not inferior in grade to a Mahalkari, or any inspector or sub-inspector in the Abkari or Opium Department, or any police officer not inferior in grade to a head constable, may at any time examine such a consignment.

If, after such examination, the officer concludes that the packages have not been opened or tampered with in such transport or transit, if their number corresponds with the number specified in the permit or pass, and if they be of the full weight specified in such permit or pass (less the allowance, if any, granted for dryage), the consignment shall be allowed to proceed. Otherwise the consignment shall be detained and disposed of according to law.

33. Opium, the property of a farmer licensed by

Depôts:—

Navsári.

Baroda.

Kadi.

Sub-Depôts:—

Viara.

Velácha.

Petlád.

Dehgám.

Pátan.

Kherálu.

Attarsumba.

His Highness the Gaikwár for the retail sale of opium in His Highness's territories, and intended for the supply of the said farmer's retail shops, may be imported into and transported through or exported from British territory when taken direct from one or other of the depôts and sub-depôts mentioned in the margin under

(Notn. No. 7592, B. G. G., 1889, Pt. I., p. 858.)

cover of permits issued and signed by a Náib-Subha of a division or of a taluka of His Highness's territories to the retail shop at which it is to be sold. Such permit shall be in Form C, appended to these rules.

(Notn. No. 4426, B. G. G., 1891, Pt. I., p. 538, 2nd July 1891.)

33A. The conditions subject to which the transport through British territory of opium which has been seized as liable to confiscation in any part of the territories of His Highness the Gaikwár of Baroda, but which has not been ordered to be confiscated, shall be permitted, are as follows:

- (a) that the opium shall be transported by the most direct route from the place of seizure to the place at which its liability to confiscation is to be decided;
- (b) that it shall be covered by a pass which shall contain the following particulars:
 - (i) the route by which, the time during which, and the places from and to which transport is to be effected;
 - (ii) the quantity of the opium to which the pass refers;
- (c) that every such pass shall be—
 - (1) in the Form F hereto appended,
 - (2) signed by the Náib Subha of the Division,
 - (3) kept during transport in the possession of the person in charge of the opium,
 - (4) produced on demand made by any British officer of the Departments of Land Revenue, Police, Opium and Abkari;

(d) that no quantity shall be so transported in excess of that mentioned in any pass granted or produced in respect thereof or by any route other than that mentioned in such pass;

(e) that intimation of the route by which any such opium is to be transported shall be given to the Police patel of the first village in British territory through which the opium may have to pass not less than twenty-four hours before the transport through such village is commenced.

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Sale.

34. Opium is said to be sold “retail” when a quantity less than half a chest of 140 lbs. is sold in a single transaction. It is said to be sold “wholesale” when half such a chest or any larger quantity is so sold.

35. No person shall sell any opium to any person not legally authorized to possess the same.

36. Opium deposited in the warehouse under Rule 21 may be sold wholesale in the town of Bombay pending its disposal, subject to the provisions of these and of the Bombay Opium Warehouse Rules as to removal from the warehouse, and provided that only whole chests or half-chests shall be so sold.

36A. Opium imported into Ahmedabad under Rule 13A may be sold wholesale to Native Chiefs and British farmers or licensed vendors in the city of Ahmedabad pending its disposal, subject to the provisions of these rules as to transport or export, as the case may be, and provided that only whole chests or half-chests shall be so sold. (Notn. No. 229, B.G.G., 1886, Pt. I., p. 32.)

37. No person shall retail opium without a license: Provided that any medical practitioner to whom a license has been granted under Rule 6 may sell opium in quantities not exceeding in any one transaction ten tolás as medicine or in medical preparations.

38. No retail vendor shall sell more than ten tolás of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy, or more than five sers of poppy-heads, except to a licensed vendor or farmer or to a medical practitioner or other person holding a special permit granted by the Collector under Rule 6, or under a special order from the Commissioner or a Collector.

39. Licenses for the retail of opium or for the manufacture and retail of all or any intoxicating drugs prepared from the poppy may be granted for the town of Bombay by the Collector of Customs and for other parts of the Presidency by the Collector of the district. Such licenses shall be in the Form E., hereto annexed, or in such other form as the Commissioner from time to time prescribes.

40. Whenever a license is granted for the retail of opium, the officer who grants it shall demand

such payments and shall impose in the license such conditions on the licensee as may from time to time be prescribed by the Commissioner.

(Notn. No.
9061, B. G.
G., 1885, Pt.
I., p. 1283.)

41. *Cancelled.*

42. Licenses for retail shall be granted for one year only, unless the Commissioner shall otherwise specially direct.

43. With the general or special sanction of the Commissioner, the Collector may let in farm the right to retail opium, or to manufacture and retail all or any intoxicating drugs prepared from the poppy, in any local area under his control, for a term not exceeding five years. The Commissioner may prescribe rules :

(a) for the invitation and acceptance of tenders for such farms.

(b) for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and

(c) as to the form and conditions of such leases.

Any breach of such engagement shall render the lease liable to annulment by the authority by whom the farm was sanctioned.

44. When any such farm is given, the farmer may make his own arrangements for the appointment of subordinate vendors, and for the manufacture of intoxicating drugs, within the limits of his farm and subject to the conditions of his lease : provided that no opium except that supplied from a Government dépôt and opium lawfully imported under clause (c), Rule 12, and opium otherwise lawfully obtained, shall be retailed or used in the manufacture of such drugs.

45. Licenses for the retail of opium, or of intoxicating drugs prepared from the poppy, by persons appointed by the farmer to retail on his behalf, shall be granted by the Collector in such form and on such conditions, consistent with the conditions of the farm, as the Commissioner from time to time prescribes.

46. With the sanction of the Commissioner, the Collector may cancel any lease granted under Rule 43 ; or may, within the period of the lease, impose any new reservation or restriction on the farmer.

If any such lease be cancelled for any cause other than a breach of the conditions thereof, or if any reservation or restriction with respect to the grant of licenses be imposed during the lease, the Commissioner shall award such compensation as he thinks reasonable to the farmer for any damage sustained by him by reason of such cancellation, reservation, or restriction.

47. If any licensed vendor or farmer shall have in his possession, on the expiry of his license or farm, any opium which he is unable to dispose of, to the satisfaction of the Collector, by private sale to other licensed vendors or farmers, he shall

surrender the same to the Collector ; and the incoming licensed vendor or farmer, or, if the expired license or farm is not renewed, any licensed vendor or farmer within the district, when required by the Collector, shall be bound to purchase the opium aforesaid to the extent of two months' supply at such price and in such quantities as the Collector shall adjudge : provided that the price of opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government ; provided also that, if such opium be in the opinion of the Collector unfit for use, the Collector shall cause it to be destroyed.

48. Central and subsidiary depôts of opium for issue to licensed retailers and farmers and for other Government purposes shall be established at Bombay and such other places as the Local Government may from time to time direct.

49. The opium required for these depôts shall be imported from Málwa or Bengal, or otherwise procured as the Local Government may direct, and shall be stored in the first instance at the central depôts, whence it will be supplied on indents to the subsidiary depôts as required.

*50. Opium shall be issued from the Government depôts to licensed vendors at a price to be fixed and notified from time to time by the Local Government.

Import, &c., on behalf of the Government.

51. Nothing contained in the foregoing rules shall be deemed to affect the possession, transport, import, export or sale of opium by or on behalf of the Government.

Permission to import, export, transport and sell Opium.

52. Subject to the prohibitions, conditions and regulations imposed and prescribed by the foregoing rules, the manufacture, possession, import, export, transport and sale of opium are permitted.

Disposal of things confiscated.

53. Opium confiscated under the Act shall be examined by the Collector, and, if declared by him to be fit for use, shall be sent to the nearest depôt. If declared to be unfit for use, it shall be immediately destroyed.

54. If the opium so sent to a depôt be of quality sufficiently good for retail purposes, it shall be added to the stock at the depôt. But if such opium be of inferior quality, it may be issued to retail dealers at a special rate proportioned to its quality, but shall be subject in other respects to the same conditions as other opium.

*Opium is issued from all Government depôts in the Presidency of Bombay including Sind at the fixed rate of Rs. 10 per lb. of 40 tolás each. (Notn. No. 3023, B. G. G., 1883, p. 296, and Notn. No. 4772, B. G. G., 1885, p. 735.)

55. All property, other than opium, which is confiscated under the Act, shall be sold under the orders of the Magistrate or other officer by whom the confiscation was adjudged.

Rewards to be paid to Officers and Informers.

*56. Any Magistrate convicting an offender under section 9, or any Magistrate or other authorized officer ordering the confiscation of opium under section 12 of the Act, may grant, in such proportions as he thinks fit, to any person or persons who have contributed to the seizure of the opium, or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case *plus* the amount of any fine imposed; or may place such aggregate amount to be awarded at the disposal of the head of the department, any officer or officers of which may have contributed to the seizure of the opium or the conviction of the offender, to be distributed by such head of the department in such proportion as he thinks fit among persons whom he may consider to be entitled to reward in connection with such seizure or conviction.

(Notn. No.
7007, B. G.
C., 1888, Pt.
I., p. 840.)

1. Every order for reward shall state exactly the sum of money awarded as a reward from—
 - (a) the value of the opium and other articles confiscated in the case, and
 - (b) the amount of fine imposed,
2. For the purpose of determining the amount of reward under head (a) above, the value of the opium shall invariably be calculated at the rate of Rs. 6 per lb. (unless the officer passing the order considers the opium to be decidedly valueless and records an opinion to that effect) and the value of other confiscated articles shall be appraised by him at his discretion.
3. Immediately after an order for a reward is passed, a warrant shall be issued on the Treasury for the prompt disbursement of the amount of reward adjudged under the head (a), Rule I, and for the payment of the amount adjudged under the head (b) *after* the recovery of the fine shall have been certified by the Magistrate concerned, a copy of the warrant being at the same time given to the intended recipient;
4. The sufficiency of the amount adjudged as a reward in each case should be judged (a) by the importance of the seizure, and (b) by the dexterity displayed, and the trouble and risk undergone, by the informers, captors and others concerned, acting in good faith.

*Government regret to notice that in comparatively few cases have the Magistrates availed themselves of the power conferred upon them to grant rewards in cases of opium smuggling. In the interests of the public revenue it is desirable that such rewards should always be granted when fairly earned. (G. R. No. 273, dated 26th January 1882, R. D.)

5. If the fine is not paid within 24 hours, or only paid in part, the convicting Magistrate may, within a limit of Rs. 100, order payment of its full amount or of the unrealised balance, as the case may be, from the Treasury.

(Notn. No. 8664, B.G.G., 1890, p. 1227, 11th Dec. 1890.)

6. If an officer who passes an order for a reward considers the maximum amount of reward which he is competent to grant or the amount actually available for reward to be insufficient, or if the District Magistrate is of opinion that the reward granted in any case by a subordinate Court or officer is insufficient, the District Magistrate may, on the application of the officer concerned in the former case, and of his own accord in the latter case, apply for the sanction of the Commissioner to supplement the reward by a further reward under Rule 57 of the Opium Rules of such amount as the District Magistrate may deem fit to recommend, submitting at the same time a clear statement of the case, and of the grounds for his recommendation. The Commissioner may sanction, modify or reject the District Magistrate's recommendation as he may think fit in each case.

57. In any case in which, in the opinion of the Commissioner, any person has performed any service of special merit in respect of the prevention or detection of opium-smuggling or of any offence against the Act, the Commissioner may grant to such person a reward not exceeding in amount five hundred rupees.

The Commissioner, or, with the sanction of the Commissioner, a Collector or the Collector of Salt-revenue, may incur at his discretion expenditure not exceeding five hundred rupees in each case for the employment of informers or for any other purpose connected with the prevention or detection of opium-smuggling or of any offence against the Act.

The Commissioner shall, from time to time, report to the Government the circumstances under which any reward may have been granted or expenditure may have been incurred under this rule.

Control.

58. All Collectors shall, as regards any matter arising in the administration of these rules, be subject to the general control of the Commissioner.

59. The decision of the Collector as to the value of opium which has been seized shall be final.

FORMS.

A.—SPECIAL LICENSE TO MEDICAL PRACTITIONER.

(See Rule 6.)

Special license granted to *A. B.*, following the profession of _____ at _____ in the _____ of _____ for the possession of opium, on the condition that such opium shall be procured from a Government depôt, or a licensed vendor, and shall be used *bond fide* as medicine or in medical preparations or prescriptions.

Collector, (or as the case may be).

Dated

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B.—PERMIT FOR TRANSPORT OF OPIUM.

(See Rule 7.)

No. of

Pass from *(here state locality and district)* to *(here state locality and district)*, by *(here give route and mode of conveyance)* in charge of *(here give name)* opium to the amount of *(here state weight)* in *(here state number and description of packages)*.

This Pass is to remain in force from *(specify date or hour)* to _____ and to be delivered on arrival of the opium at its destination to *(here enter name or official designation)*.

Collector, (or as the case may be).

Dated

189 .

C.—PERMIT FOR CONVEYANCE OF OPIUM FROM GOVERNMENT DEPÔT TO SHOP FOR RETAIL SALE.

(See Rule 7.)

No. of

Pass from the Government Opium Depôt at _____ to the Shop of *(here enter name)*, at *(here enter locality and shop)*, *Sers* _____ *Tolás* _____ of Opium in charge of *(here enter name)*, between the hours of _____ M. and _____ M. on the *(here enter date)* 189 .

Dated at *(Bombay)*,

189 .

Officer in charge of Depôt.

D.—IMPORT PASS.

(See Rule 16.)

(Front.)

Seal.

OPIUM.

No. of 18

Importer
Consignee
In charge
Rupees
Chests
Half-chests
Rupees
Net weight
Allowance for leaf and dust
Total net weight of a chest
Route

WHEREAS Government the sum of Rs. having paid to the British as a consideration for the privilege of importing from (Málwa, or as the case may be,) to Bombay chests of opium containing pounds of Málwa opium at the rate of hundred rupees per 140½ (one hundred and forty and a quarter) pounds weight; and the said having agreed to pay all customs and duties thereon to the Native States and Chiefs through whose territories the opium will have to pass; is hereby permitted to convey by the route described in the margin from (Málwa, or as the case may be,) to Bombay, for exportation thence by sea, (or as the case may be) the above quantity in such packages as shall hereupon be endorsed, free of any further duties whatever.

This pass will be valid until the 18 and no longer, and shall, on the opium being warehoused, be retained and cancelled by the Collector of Customs.

By order of his Excellency the Honourable the Governor in Council,

Indore Opium Agent's Office, 18

Opium Agent.

Paid on the

18

Pass from Railway Station to Warehouse by in charge of Opium to the amount and in the packages above stated to This pass is to remain in force from

Opium Department, 18 Assistant Collector of Customs in charge Opium Department,

PASSPORT.

MEMORANDUM of the outturn of half chests of opium taken from chests brought to the scales under pass No.

No.	Outturn of each half-chest.	Outturn of each whole chest.
1	2	3
Contents of chests, net weight		
Average per one chest		
Allowed to export chests at 140½ lbs. per chest.		
Average contents of chests brought to the scales		
Deficiency made good in No.		

Cleared in full as above.

Railway Station, Bombay, 18

Opium Inspector.

18

of the Government Opium Warehouse on

Warehouse-keeper.

Entered in Register.

Assistant Collector of Customs, in charge Opium Department.



E.

(See Rule 39.)

License for Retail Sale of Opium.

District

Number of License in the Register

Name of Retailer

Locality of Shops

Be it known that
 resident at _____ in the town of _____
 is hereby authorized to sell opium by retail at the shops above mentioned from the _____ day of _____
 day of _____ to the _____ day of _____
 (both inclusive) upon the following conditions :—

1. That he will sell by retail at the shops aforesaid not less than _____ pounds of duty-paid opium in the aggregate during the period aforesaid. If he sells less than that quantity, he will pay to Government in the manner and on the dates hereinafter specified penalty at the rate of Rs. 5 per pound on the quantity of opium required to make up the said minimum.

2. That he will purchase from the Collector confiscated opium and opium surrendered to the Collector by the retiring licensed vendor or farmer of the district, in such quantities not exceeding two months' supply, and at such price not exceeding the rate at which opium can be procured from a Government depôt, as the Collector shall adjudge.

3. That he will sell no opium but such as may have been previously approved and passed by the Collector or by some other officer authorized by the Collector to approve and pass the same, and no opium but such as he may have—

- (a) purchased from a Government depôt, or -
- (b) purchased from a wholesale dealer in Bombay and transported for retail sale in accordance with the provisions of the Opium Act and the Rules framed thereunder, or
- (c) lawfully imported for retail sale in accordance with the same Act and Rules, or
- (d) purchased from the Collector under the provisions of Clause 2 of this license.

That he will not receive or have in his possession any opium obtained in any other manner.

4. That he will bring all opium purchased by him from a wholesale dealer, or lawfully imported by him, under the last preceding clause, direct to the Huzûr Treasury to be there examined by the Collector or other officer nominated by the Collector to examine and pass opium for retail sale; that he will remove and dispose of forthwith in some lawful manner other than for retail sale at his shops any portion of the opium tendered for examination which the Collector or other officer aforesaid may reject as being unsuited for retail sale in the locality concerned; and that he will lodge such opium as may be passed by the Collector or other officer aforesaid, as well as all opium purchased from a Government depôt, or from the Collector under Clause 2 of this license, at such place, in such manner and under such custody, and will remove and transport opium from such place of deposit, at such times and in such manner as the Collector or other officer aforesaid may from time to time direct.

5. That he will keep in stock at the place appointed by the Collector under Clause 4 above, at all times between 1st August 189 _____ and the 1st July 189 _____ inclusive, a quantity of opium passed for retail sale by the Collector or other officer aforesaid, or of opium purchased from a Government depôt or from the Collector under Clause 2, amounting in the aggregate to at least* _____ lbs. weight.

6. That he will keep in a book, bound and paged, each page of which shall bear the seal of the Collector, plain and correct accounts written up to date daily of opium lodged into, removed from, and in store at, the place of deposit mentioned in Clause 4, and of opium daily received, sold and in stock at each of his retail shops, as well as the price realised by sale, together with a list showing the names and addresses of all persons to

* One-tenth of the minimum number of pounds guaranteed for a whole year.

whom opium may be sold in quantities exceeding five tolás at one time, and will render to the Collector on or before the 5th of each month a statement showing the number of pounds of opium lodged into, removed from, and in store at, the place of deposit mentioned in Clause 4, and the number of pounds of opium received, sold and in store at each of his shops, during the preceding month, and will furnish forthwith on demand by the Collector such other accounts, returns and information respecting his dealings and arrangements under this license as the Collector may require; and that the keeping or rendering of incorrect accounts, statements or information will constitute a breach of the conditions of this license.

7. That if the aggregate of the quantities of opium sold by him by retail at his shops as shown in the monthly statements rendered in accordance with the last preceeding clause fall short, at any time during the term of this license, of a quantity equal to* of the minimum number of pounds specified in Clause 1 multiplied by the number of completed months elapsed from the date of the commencement of this license, he will pay to the Collector, within seven days after the end of the month up to which any such deficiency may have accrued, penalty at the rate specified in Clause 1 on every pound of such deficiency: provided that the amount of penalty so paid will be remitted afterwards to the extent by which the deficiency may be made good by larger sales than* of the number of pounds specified in Clause 1, in any subsequent month, or months, during the term of this license.

8. That the Collector shall have a lien on all opium held in stock by the licensee at the place of deposit mentioned in Clause 4 for the recovery of the penalty payable by the licensee under Clauses 1 and 7,† (of the contribution for establishment recoverable under Clause 21A.) and of any fine levied on him under Clause 25.

9. That the licensee will, immediately after the expiry or recall of this license, surrender to the Collector all opium remaining unsold on his hands on the date of the expiry or recall of this license as he may have been unable to dispose of in lawful manner, and will receive from the Collector such price, including duty, as the Collector shall adjudge for so much of the opium so surrendered as may not be liable to confiscation and as may be declared by the Collector to be of good quality and fit for retail sale; but he will not be entitled to receive any payment whatever for any portion of the opium so surrendered which may be liable to confiscation or which may be declared by the Collector to be unfit for retail sale.

10. That he will not sublet any of his opium shops without permission of the Collector, or employ for the retail sale of opium any person for whose employment in that behalf he may not have previously received written sanction and a separate license signed by the Collector authorizing such person to sell opium on behalf of the licensee.

11. That he will cause each ball of opium intended for sale to be threaded and stamped with the Collector's or Mámlatdár's official seal, at his own expense and in such manner as the Collector may prescribe; that in retailing opium, only the quantity required by each successive customer shall, as far as possible, be cut off from a sealed ball; that he shall not have in his possession at each of his shops more than one broken ball of opium at a time for sale to customers.

12. That he will retail opium only in the shops above mentioned, and that he will open and maintain new shops and close existing shops as may be required by the Collector from time to time during the currency of this license.

13. That he will keep and use for selling opium by retail and other purposes of this license such weights as the Collector may direct.

14. That, except to a medical practitioner or other person holding a special license from the Collector, he will not sell more than ten tolás weight of opium to any person at one time.

15. That he will not adulterate or admix any foreign substance or material whatever with the opium sold by him.

‡16. That he will not receive any wearing apparel or other goods in barter for opium; that he, his servants, agents and his sub-tenants will not sell opium at prices below the rates notified from time to time for the issue of opium from the nearest Government depôt, or exceeding such rates by more than one anna for a tola, unless specially authorized by the Collector in writing to sell opium at a higher rate.

17. That he will not open his shop or make sales therein before sunrise; that he will not keep it open or make sales therein after 9 o'clock P.M.; and that he will not harbour any person therein during the night.

* One-twelfth, if the license is for one year; one-twenty-fourth, if the license is for two years; one-thirty-sixth, if the license is for three years; and so on.

† The bracketted words should be retained in licenses in which Clause 21A. is allowed to stand. In licenses in which Clause 21A. is omitted, the bracketted words of Clause 8 should be scratched out.

‡ In licenses for the districts of Ahmedabad, Kaira, Broach, Surat and the Panch Maháls, the following should be substituted for Clause 16:—

“16. That he will not receive any wearing apparel or other goods in barter for opium; that he, his servants, agents and sub-tenants will sell opium at a uniform rate, being one anna per tola in excess of the Government issue rate for the time being in force in the district of

18. That he will not permit persons of notoriously bad character to resort to his shop; that he will prevent gaming and disorderly conduct therein, and that he will give information to the nearest Magistrate or Police Officer of any suspected persons who may resort to his shops.

19. That he will have constantly fixed up at the entrance of his shop a signboard bearing the following inscription in legible characters in the vernacular language:—

(Name of Vendor.)

“Licensed to retail Opium”. “Price of Opium per tola, annas .”

20. That he will produce forthwith for inspection, on demand of any Revenue, Police, Excise, or Customs Officer above the rank of Jamádár, the accounts of any of his retail shops, or of the place of deposit mentioned in Clause 4 of this license as well as the whole quantity of opium in his possession, and that he will not prevent any Revenue, Police, Excise, or Customs Officer of whatever grade from entering any of his shops at any hour of the day or night.

21. That the “pound” mentioned in this license will be a pound equal in weight to 40 tolas, a tola being reckoned as equal to 180 grains.

*21A. That the licensee shall pay into the Collector’s treasury monthly the sum of Rs. as contribution towards the cost of the Government establishment employed for the prevention of opium smuggling in the district. The first payment shall be made not later than the 31st August 189 , and subsequent payments not later than the last working day of each successive month during the term of this license.

22. That he has deposited with the Collector the sum of Rs. † in cash or Government Promissory Notes as security for the due performance by him of the conditions prescribed in this license, and that the said amount or such portion of it as may not have been appropriated by the Collector in liquidation of Government demands against him will be returned to him after the expiry of this license and after all demands against the licensee shall have been fully satisfied.

23. That his license may be recalled by the Collector—

- (a) for default of punctual payment of the penalty mentioned in Clauses 1 and 7; or
- (b) for default in or violation of any of the conditions specified in this license; or
- (c) if the holder thereof be convicted of a breach of the peace or of any other offence during the currency of this license; or
- (d) if he infringes any of the conditions imposed on him by the Opium Act, 1878, or by the rules in force thereunder.

24. That any loss caused to Government in consequence of the recall of this license for any of the aforesaid causes shall be recovered from him from the cash deposited by him with the Collector, or by attachment and sale of the stocks of opium held by him, or in such other lawful manner as the Collector shall direct. He shall not be entitled to any sum that may be realized over and above the sum payable by him by putting the license to sale in consequence of his default, nor shall he be entitled to any compensation or refund of any sums paid by him. Should the Collector desire to cancel this license before the expiry of the period for which it has been granted for any causes other than those specified in the preceding clauses, the Collector shall give him three months’ previous notice and absolve him from all liabilities under this license for the unexpired term of the license, or if notice be not given, shall make such further compensation in default of notice as the Commissioner of Customs, Salt, Opium and A’bkari may direct.

25. That the Collector shall have power at any time to impose a fine not exceeding Rs. 1,000 on the licensee, instead of recalling this license, for infringement by the licensee, or by any of his servants, agents, or sub-tenants, of any of the conditions of this license, and to recover the amount of the fine so imposed from the cash deposited by the licensee, or by attachment and sale of the opium lodged under Clause 4, or in such other lawful manner as the Collector may think fit. Nothing contained in this clause or in Clauses 23 and 24 shall however affect the liability of the licensee to criminal prosecution under the Opium Act.

26. That this license does not cover the manufacture and sale by the licensee of chandul, madat or any other preparation of poppy juice, other than opium. That he shall not have directly or indirectly any interest or share in any of the licenses issued by the Collector for the manufacture and sale of chandul, madat or any other preparations of poppy juice, other than opium, in the district of

Granted this the day of

189 .

Seal of the
Collector.

Collector.

* This clause should be retained only in licenses in which its retention is specially directed by the Commissioner of Opium.

† Eight annas for every pound of the minimum guaranteed yearly vend.

Counterpart agreement to be executed by the Licensee.

Impressed stamp
value 8 annas.

I,
the above-named Licensee, hereby agree to all the conditions
hereinbefore written.

Signed in our presence, this the

Licensee.

day of 189 .

Witnesses.

F.

(See Rule 33A.)

Pass within days from this date, opium weighing lbs. , tolas , grains ,
seized at the village of , in the táluka or mahál of , in the division (Notn. No.
of , in the territories of His Highness the Gáikwár, through G., 1891, Pt.
the British villages named in the margin, I., p. 538, 2nd
to the village of in the táluka July 1891.)
or mahál of in the said
division in the custody of for
production before the undersigned.

Náib Subha.